

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 : **03-MDL-1570 (GBD)(SN)**

This Document Relates To:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-06977 (GBD)(SN)

Bauer, et al. v. al Qaeda Islamic Army, et al., Case No. 1:02-cv-07236 (GBD)(SN)

**PROPOSED FINAL DEFAULT JUDGMENT IN FAVOR OF
THE RYAN AND MAHER PLAINTIFFS AGAINST THE TALIBAN**

Upon consideration of the Motion for Final Default Judgment against the Taliban filed by Plaintiffs Patricia Ryan, as Personal Representative of the Estate of John J. Ryan, Deceased, Patricia Ryan, individually in her own right, Kristen Ryan, Laura Ryan, Colin Ryan, the dependent minor children, on September 11, 2001, and survivors of John J. Ryan, Katherine Maher, as Personal Representative of the Estate of Daniel L. Maher, Deceased, and Katherine Maher, individually in her own right (“collectively, the “Ryan and Maher Plaintiffs”), who are plaintiffs in *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 1:02-cv-07236 (GBD)(SN), a member case of *Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN) within the multi-district litigation *In Re: Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN) (hereinafter “*In Re: 9/11 MDL*”), and the declarations and materials in support thereof, and,

WHEREAS, the *Bauer/Ashton* Plaintiffs, including the Plaintiffs Patricia Ryan, as Personal Representative of the Estate of John J. Ryan, Deceased, Patricia Ryan, individually in her own right, Kristen Ryan, Laura Ryan, Colin Ryan, the dependent minor children, on September 11, 2001, and survivors of John J. Ryan, Katherine Maher, as Personal Representative of the Estate of Daniel L. Maher, Deceased, and Katherine Maher, individually in her own right,

are and were Plaintiffs in the original *Bauer* Complaint and in the *Ashton* Third Amended Consolidated Master Complaint; and

WHEREAS, the *Bauer/Ashton* Plaintiffs, including the Plaintiffs Patricia Ryan, as Personal Representative of the Estate of John J. Ryan, Deceased, Katherine Maher, as Personal Representative of the Estate of Daniel L. Maher, Deceased, Patricia Ryan, individually in her own right, Kristen Ryan, Laura Ryan, Colin Ryan, the dependent minor children, on September 11, 2001, and survivors of John J. Ryan, and Katherine Maher, individually in her own right named the Taliban as a Defendant in the original *Bauer* Complaint and in the *Ashton* Third Amended Consolidated Master Complaint; and

WHEREAS, the *Ashton* Third Amended Consolidated Master Complaint asserted causes of action against the Taliban including: (1) Wrongful Death based on Intentional Murder; (2) Survival Damages based on Intentional Murder; (3) Assault and Battery; (4) Violation of the Anti-Terrorism Act (“ATA”), 18 U.S.C. § 2333; and (5) Violation of the Torture Victim and Protection Act, 28 U.S.C. § 1350; and

WHEREAS, on September 16, 2004, this Court entered an Order permitting service of the *Ashton* Third Amended Consolidated Master Complaint by publication on numerous *Bauer/Ashton* Defendants, including, *inter alia*, the Taliban; and

WHEREAS, the *Bauer/Ashton* Plaintiffs served the *Ashton* Third Amended Consolidated Master Complaint upon the Taliban by publication and provided proof of service to the Court on March 4, 2005, MDL ECF Doc. No. 709, and March 16, 2005, MDL ECF Doc. No. 735; and

WHEREAS, the Defendant Taliban did not answer or otherwise defend against the *Ashton* Third Amended Consolidated Master Complaint, and the time for answering or otherwise

defending against the *Ashton* Third Amended Consolidated Master Complaint having expired; and

WHEREAS, on March 8, 2016, this Court entered an Amended Order of Judgment for non-economic compensatory damages for conscious pain and suffering in favor of all *Ashton* wrongful death plaintiffs, including Plaintiff Patricia Ryan, as Personal Representative of the Estate of John J. Ryan, Deceased, and Plaintiff Katherine Maher, as Personal Representative of the Estate of Daniel L. Maher, Deceased, each in the amount of \$2,000,000, against the Islamic Republic of Iran, MDL ECF Doc. No. 3226; and

WHEREAS, on October 31, 2016, this Court entered an Order Of Further Partial Judgment in favor of certain *Bauer* Plaintiffs against the Islamic Republic of Iran, among them Patricia Ryan, individually in her own right, Kristen Ryan, Laura Ryan, Colin Ryan, who were dependent minor children on September 11, 2001 and survivors of John J. Ryan, and Katherine Maher, individually in her own right, for solatium in amounts consistent with the damages awards in *Havlish, et al. v. bin Laden, et al.*, 1:03-cv-09848, *Bauer* ECF Doc. No. 20, MDL ECF Doc. No. 3387, see *Bauer* ECF Doc. No. 19-1, MDL ECF Doc. No. 3371-1; and

WHEREAS, on February 21, 2020, this Court awarded Partial Final Judgment in favor of *Bauer/Ashton* Plaintiff Patricia Ryan, as Personal Representative of the Estate of John J. Ryan, Deceased, against the Islamic Republic of Iran, for economic compensatory damages comprising loss of earnings, which was supported by expert reports and analyses submitted by Dr. Stan V. Smith, in the amount of \$21,160,744, to be added to the existing judgment for \$2,000,000 for pain and suffering, *Ryan* ECF Doc. No. 10, MDL ECF Doc. No. 5999; and

WHEREAS, on February 21, 2020, this Court awarded Partial Final Judgment in favor of *Bauer/Ashton* Plaintiff Katherine Maher, as Personal Representative of the Estate of Daniel L.

Maher, Deceased, against the Islamic Republic of Iran, for economic compensatory damages comprising loss of earnings, which was supported by expert reports and analyses submitted by Dr. Stan V. Smith, in the amount of \$7,662,835, to be added to the existing judgment for \$2,000.000 for pain and suffering, *Ryan* ECF Doc. No. 10, MDL ECF Doc. No. 5999; and

WHEREAS, the above-mentioned Orders of Further Partial Final Judgments were re-entered on March 6, 2020, *Ryan* ECF Doc. No. 11, and were ordered to be effective as of February 19, 2020, *nunc pro tunc*, *Ryan* ECF Doc. No. 12;

It is hereby **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Patricia Ryan, as Personal Representative of the Estate of John J. Ryan, Deceased, against the Defendant Taliban for non-economic damages for pain and suffering and for economic damages in the amounts listed on **EXHIBIT A**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Patricia Ryan, individually in her own right, against the Defendant Taliban for solatium in the amounts listed on **EXHIBIT B**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Kristen Ryan, who, on September 11, 2001, was a minor dependent child of John J. Ryan, Deceased, against the Defendant Taliban for solatium in the amount listed on **EXHIBIT B**; such award of damages shall not be binding or determinative of the amount of potential damages that

may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Laura Ryan, who, on September 11, 2001, was a minor dependent child of John J. Ryan, Deceased, against the Defendant Taliban for solatium in the amounts listed on **EXHIBIT B**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Colin Ryan, who, on September 11, 2001, was a minor dependent child of John J. Ryan, Deceased, against the Defendant Taliban for solatium in the amounts listed on **EXHIBIT B**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Katherine Maher, as Personal Representative of the Estate of Daniel L. Maher, Deceased, against the Defendant Taliban for non-economic damages for pain and suffering and for economic damages in the amounts listed on **EXHIBIT A**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Katherine Maher, individually in her own right, against the Defendant Taliban for solatium in the amounts listed on **EXHIBIT B**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that the damage amounts in favor of each of the Ryan and Maher Plaintiffs are trebled under the Anti-Terrorism Act, 18 U.S.C. § 2333, as indicated on **EXHIBIT A** and **EXHIBIT B**; such award of trebled damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiffs against any Defendant other than the Taliban in this MDL; and

It is further **ORDERED** that the Ryan and Maher Plaintiffs identified in **EXHIBIT A** and **EXHIBIT B** are awarded prejudgment interest in the amount of \$_____, calculated as 4.96 percent per annum, compounded annually, running from September 11, 2011, until the date of judgment; and

It is further **ORDERED** that Plaintiff Patricia Ryan, as Personal Representative of the Estate of John J. Ryan, Deceased, Plaintiff Katherine Maher, as Personal Representative of the Estate of Daniel L. Maher, Deceased, Plaintiff Patricia Ryan, individually in her own right, Plaintiff Kristen Ryan, Plaintiff Laura Ryan, Plaintiff Colin Ryan, and Plaintiff Katherine Maher, individually in her own right, may submit applications for punitive damages, and for costs of suit and attorneys' fees under the ATA, at later dates consistent with any future rulings made by this Court.

The Court respectfully directs the Clerk of the Court to terminate the Motion at MDL ECF Doc. No. 8638.

SO ORDERED.

Date: _____
New York, New York

GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE